WHAT IS ACTUALLY GOING ON WITH THE NFA?

Updated Texas Guns plain-English briefing on *Silencer Shop Foundation v. ATF*, NSSF guidance and dealer compliance

THE BOTTOM LINE

The NFA is not "dead" nationwide. The August 5, 2026 federal court order is now in effect, but its injunction is limited to the plaintiffs and, where applicable, their agencies, political subdivisions, members and customers. NSSF also identifies several federal provisions the court did not enjoin. Until ATF/DOJ provides a clear dealer process, Texas Guns will continue using the established NFA transfer process for our NFA inventory.

1 | HOW WE GOT HERE

The $0 tax is already law; the injunction is a court ruling

There are two separate developments that are easy to mix together:

- Congress already changed the tax. The One Big Beautiful Bill Act was signed in 2025 and, effective January 1, 2026, reduced the NFA making and transfer tax to $0 for silencers, short-barreled rifles (SBRs), short-barreled shotguns (SBSs) and Any Other Weapons (AOWs). Machineguns and destructive devices remain subject to NFA taxes.
- The August 5, 2026 court decision is not a new statute. The court concluded that challenged NFA registration and approval provisions for the now-untaxed categories could no longer be justified under Congress's taxing power and entered a permanent injunction for the covered plaintiffs. The court did not issue nationwide relief.
- The court stayed its order for seven days. The injunction took effect after DOJ did not obtain an emergency stay. NSSF reports DOJ still has until October 5, 2026 to appeal or seek a stay of the final judgment.
- State law was not erased. State restrictions and state-law conditions tied to federal registration can still matter.

2 | WHO IS ACTUALLY COVERED

Plaintiffs, members and customers - not every gun owner

The order protects the named plaintiffs and, where applicable, their agencies, political subdivisions, members and customers - both current and future. NSSF emphasizes that citizens of a plaintiff state are not automatically covered simply because they live there.

Silencer Shop side	Jensen side
Silencer Shop Foundation; Gun Owners of America; Gun Owners Foundation; Firearms Regulatory Accountability Coalition; B&T USA; Palmetto State Armory; SilencerCo; Brady Wetz; plus the plaintiff states listed by NSSF.	John Jensen; Jeremy Neusch; David Lynn Smith; Hot Shots Custom LLC; Texas State Rifle Association; FPC Action Foundation; Citizens Committee for the Right to Keep and Bear Arms.

Important: AOW relief does not extend to the Jensen plaintiffs. NSSF also cautions that coverage can depend on the particular plaintiff relationship and transaction.

3 | WHAT THESE CATEGORIES MEAN

AOW, SBR and SBS - plain-English definitions

These labels are legal classifications, not marketing terms. The exact configuration of a firearm matters, and a customer should not reconfigure a firearm based only on a general summary.

AOW | ANY OTHER WEAPON

A catch-all NFA category for certain concealable weapons that do not fit the ordinary pistol/revolver categories - including certain disguised firearms, smooth-bore handgun-type firearms designed to fire shotgun shells, and certain combination rifle/shotgun firearms. ATF has historically placed several unusual concealable designs in this category.

What the ruling changes: AOW relief is narrower than the other categories because it applies only on the Silencer Shop side of the consolidated case, not the Jensen side. GCA background-check and Form 4473 requirements still apply to dealer transfers.

SBR | SHORT-BARRELED RIFLE

Generally, a rifle with a barrel shorter than 16 inches, or a weapon made from a rifle that is under 26 inches overall. A rifle is a shoulder-fired firearm using a rifled bore.

What the ruling changes: The challenged NFA registration/approval provisions were enjoined for covered plaintiffs. However, 18 U.S.C. § 922(b)(4) was not enjoined and separately restricts an FFL from selling or delivering an SBR without Attorney General authorization. NSSF says the existing NFA procedure is currently the only available path for that authorization.

SBS | SHORT-BARRELED SHOTGUN

Generally, a shotgun with a barrel shorter than 18 inches, or a weapon made from a shotgun that is under 26 inches overall. A shotgun is a shoulder-fired firearm designed to fire a fixed shotgun shell through a smooth bore.

What the ruling changes: The same separate GCA issue applies as with SBRs. Until ATF creates another authorization method or the law changes, NSSF advises that the established NFA procedure remains the available path for dealer transfers.

THE BIG SBR/SBS DISTINCTION

The court enjoined certain NFA provisions, but it did not enjoin the separate Gun Control Act restriction in 18 U.S.C. § 922(b)(4). That is why SBRs and SBSs are not in the same practical position as suppressors. For Texas Guns, Form 4 processing remains the clear path for SBR/SBS dealer transfers unless ATF, DOJ, Congress or a later court decision changes that separate requirement.

4 | WHAT NSSF SAYS IS STILL IN FORCE

The provisions the ruling did not solve

- Form 4473 / GCA recordkeeping. The court did not enjoin the Gun Control Act. NSSF states that suppressors and AOWs transferred under the injunction still require a Form 4473 and the normal GCA background-check/recordkeeping process.
- SBR/SBS dealer authorization. Section 922(b)(4) remains in force, creating the separate authorization problem described above.

- Interstate movement and import issues. NSSF notes that 26 U.S.C. § 5861(j) and (k) were not enjoined, leaving open questions about interstate transportation, dealer-to-dealer movement, repair shipments and re-importation of an unregistered item.
- SOT requirements remain. The injunction did not eliminate the Special Occupational Tax regime for NFA manufacturers, importers and dealers.
- NFRTR disposition remains unresolved. NSSF and Orchid both flag the practical problem of how a dealer removes a serialized NFA item from the National Firearms Registration and Transfer Record when no Form 4 is used.

5 | WHAT THIS MEANS AT TEXAS GUNS

Our processing policy as of August 17, 2026

TEXAS GUNS POLICY - FOR NOW

Texas Guns will continue processing our NFA inventory through the established NFA system unless and until we have clear, usable written guidance and a legally supportable dealer procedure for a different transfer method. This is a compliance, inventory-control and recordkeeping decision - not a claim that the court ruling is invalid or unimportant.

- Suppressors and AOWs: The injunction may permit certain covered transactions without the traditional Form 4 approval, but Texas Guns is not using that pathway at this time because the dealer/NFRTR disposition process and several related federal issues remain unresolved.
- SBRs and SBSs: Texas Guns will continue Form 4 processing because the separate GCA authorization requirement in 18 U.S.C. § 922(b)(4) remains in force and NSSF states that the NFA procedure is currently the available path for compliance.
- The $200 customer tax is already gone for these categories. Our continued use of Form 4 is about approval, registration and dealer recordkeeping - not collecting the old $200 tax.
- A Form 4473 is still required for a dealer transfer where the GCA requires it, even if a particular NFA registration provision is enjoined.
- If a customer believes a plaintiff membership or customer relationship places a transaction within the injunction, we can document that information, but it does not by itself create an ATF-approved inventory disposition method for Texas Guns.

6 | WHAT COULD CHANGE NEXT

How AOWs, SBRs and SBSs could be affected later

The next developments could materially change how these items are sold, made, transported and recorded:

- ATF/DOJ guidance could create a formal process for covered suppressor/AOW transfers, NFRTR dispositions, dealer inventory records, interstate movement, or SBR/SBS authorization.
- An appeal or stay could suspend, narrow or reverse some of the present relief. NSSF reports an October 5, 2026 deadline for DOJ to appeal or seek a stay of the final judgment.
- Additional lawsuits could extend similar relief to more people or additional jurisdictions, while a higher-court decision could either broaden or restrict the current injunction.

- Congress could amend the GCA or NFA. For SBRs and SBSs in particular, changing or eliminating the separate § 922(b)(4) authorization requirement would be a major step before dealer transfers could truly become GCA-only transactions.
- Machineguns and destructive devices are not part of this relief and remain under the NFA tax/registration structure.

One important clarification: there is not a new NFA bill "about to become law" here. The $0 tax change is already law. The August 5 decision is a court injunction that is currently effective for covered parties but remains subject to appeal and further litigation.

7 | SOURCES & ATTRIBUTION

What Texas Guns relied on for this bulletin

[1] Silencer Shop Foundation v. Bureau of Alcohol, Tobacco, Firearms and Explosives, consolidated with Jensen v. ATF, U.S. District Court for the Northern District of Texas, Document 136, filed August 5, 2026, especially pp. 65-66.

[2] National Shooting Sports Foundation (NSSF), “NSSF Guidance on NFA Transfers,” member/industry advisory, reviewed August 17, 2026.

[3] Orchid Advisors, Phil Milks, “WTF Is Going On with NFA - A Must Read,” August 13, 2026.

[4] 26 U.S.C. § 5845 (NFA definitions); 18 U.S.C. § 922(b)(4); 26 U.S.C. § 5861(j), (k); ATF National Firearms Act Handbook, Chapter 2.

Texas Guns uses Orchid technology and compliance resources in our FFL operations and also monitors NSSF industry guidance. This bulletin is Texas Guns' independent summary and store-policy explanation. It is not an Orchid or NSSF publication or endorsement, and it is provided for general informational purposes only - not as legal advice.